

Welfare Fund, et al. v. Biovail Corporation, No. 01-CIV-02197 (JR) (D.D.C.) (Tiazac); and *Action Alliance of Senior Citizens of Greater Philadelphia v. Elan Corporation and Skyepharma*, No. 02-cv-2095 (E.D. Pa.) (Naprelan).

- b. I have also been appointed as a co-lead of the consumer sub-class in *Nichols v. SmithKline Beecham*, No. 00-CV-6222 (E.D. Pa.) (Paxil).
- c. I have been appointed discovery chair in: *In re Buspirone Antitrust Litigation*, MDL Docket No. 1413 (JCK) (S.D.N.Y.) (Buspar); *SAJ Distributors, Inc. v. SmithKline Beecham Corp. d/b/a GlaxoSmithKline*, No. 04-CV-23 (E.D. Va.) (Augmentin); and *In re K-Dur Antitrust Litigation*, MDL No. 1419 (JAG) (D.N.J.) (K-Dur).
- d. My firm has also participated in the prosecution of nationwide class action prescription lawsuits against: Warner-Lambert Co (Neurontin), and GlaxoSmithKline (Relafen and Wellbutrin).

3. I began investigating the claims raised in this litigation, and other potential causes of action that could be raised well before this litigation commenced. As a result, my firm filed 13 class action lawsuits against individual pharmaceutical manufacturers, including the following:

- a. *United Food and Commercial Workers and Employers Midwest Health Benefits Fund et al v. Abbott Laboratories*, No. 01-C-8827 (N.D. Ill.)
- b. *United Food and Commercial Workers Unions et al v. Bristol-Myers Squibb Co., et al*, C-01-4303 WDB (N.D. Cal.)
- c. *United Food and Commercial Workers Unions et al v. Baxter International, Inc.*, No. 01-C-8828 (N.D. Ill.)

- d. *Action Alliance of Senior Citizens of Greater Philadelphia et al v. Glaxosmithkline PLC, et al*, No. 01-CV-5790 (E.D. Pa.)
- e. *Action Alliance of Senior Citizens of Greater Philadelphia et al v. Immunex Corporation*, No CV01-1917R (W.D. Wash.)
- f. *Twin Cities Bakery Workers Health and Welfare Fund et al v. Dey, Inc.*, No. C 01-04466 MHP. (N.D. Cal.)
- g. *United Food and Commercial Workers Unions, et al v. Sicor, Inc. et al*, No. SA 01-1099 GLT (AnX) (C.D. Cal.).
- h. *Action Alliance of Senior Citizens of Greater Philadelphia, et al v. Aventis S.A., et al*, No. 01 CV 5548 (GEB) (D.N.J.)
- i. *Action Alliance of Senior Citizens of Greater Philadelphia, et al v. Fujisawa Pharmaceutical Co., Ltd., et al*, No. 02 C 0396 (N.D. Ill.)
- j. *United Food and Commercial Workers Unions and Employers Midwest Health Benefit Fund, et al v. Johnson & Johnson, et al*, NO. 02-CV-02937 WHW (E.D. Pa.)
- k. *United Food and Commercial Workers Unions and Employers Midwest Health Benefit Fund, et al v. Pharmacia Corporation, et al*, No. 3:01cv5427 (D.N.J.)
- l. *Twin Cities Bakery et al v. Warrick Pharmaceuticals Corp.*, No. CV-N-01-0666 (D. Nev.)
- m. *Action Alliance of Senior Citizens of Greater Philadelphia, et al v. Bayer Corporation*, No. 01-CV-5998.

These lawsuits were then consolidated in MDL No. 1456.


4. My firm also represents, in this and other class actions, the named plaintiff Philadelphia Federation of Teachers Health and Welfare Fund and thus is familiar with the law as it applies to third party payors and their members and beneficiaries in these matters.

5. My firm is committed and has demonstrated its commitment to expend whatever resources are necessary – of time, personnel and money – to prosecute this

action and represent the class. To date, my firm has already acted in coordination with Hagens Berman LLP, Spector, Roseman & Kodroff, The Wexler Firm, and Heins Mills & Olson, to: (i) investigate, draft and revise the various Consolidated Class Action Complaints that have been filed to date in response to the MDL consolidation and the subsequent Orders of this Court; (ii) respond to the myriad of motions to dismiss filed by the defendants; (iii) coordinate and respond to discovery propounded by defendants on the named plaintiffs; (iv) propound discovery on defendants and pursue their responses; (v) conduct years worth of document review in a coordinated fashion; (vi) coordinate, pursue and attend third party discovery propounded by all parties; and (vii) attempt to conduct this complex and massive litigation in a civil, coordinated and manageable fashion.

I declare under penalty of perjury that the foregoing is true and correct.

Date: August 31, 2004



Marc H. Edelson